

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

CARNELL HUNNICUTT,

Plaintiff,

v.

Civ. No. 18-619 JCH/GBW

RAYMOND SMITH, *et al.*,

Defendants.


**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS AND  
RECOMMENDED DISPOSITION**

This matter comes before the Court on review of the record. Plaintiff filed an amended complaint alleging violations of his rights under the United States Constitution pursuant to 42 U.S.C. § 1983. *Doc. 22*. On October 28, 2021, the Court dismissed the following claims with prejudice: Plaintiff’s claims against Defendants German Franco, Mindy Lewis-Ortega, Moriama Valeriano, and GEO Group, Inc.; Plaintiff’s claims against Defendants Raymond Smith, Eddie Solomon, and Dominic Vasquez in their official capacities; and Plaintiff’s First Amendment claims against Defendants Solomon and Vasquez. *Doc. 89*. The Court also ordered Defendants Smith, Solomon, and Vasquez to file a *Martinez* report addressing Plaintiff’s remaining claims, which were Eighth Amendment and negligence claims against these defendants, and their defenses to the same. *Id.* Defendants Smith, Solomon, and Vasquez filed a *Martinez* report on May 16, 2022, *docs. 103, 104, 105, 112*, and a Motion for Summary Judgment on June 21, 2022, *doc. 113*.

The Magistrate Judge filed a Proposed Findings and Recommended Disposition (PFRD) on March 31, 2023, recommending that Defendants’ Motion for Summary Judgment be granted

in part as to Plaintiff's Eighth Amendment claims and that Plaintiff's remaining state law claims be dismissed without prejudice. *Doc. 122*. Plaintiff has filed no objections to the PFRD, and, upon review of the record, I concur with the Magistrate Judge's findings and recommendations.

Wherefore, IT IS HEREBY ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (*doc. 122*) is ADOPTED. Defendants' Motion for Summary Judgment (*doc. 113*) is GRANTED and Plaintiff's Amended Complaint is DISMISSED with prejudice as to its Eighth Amendment claims and DISMISSED without prejudice as to its state law claims.

  
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SENIOR UNITED STATES DISTRICT JUDGE